

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

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**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**March 10, 2014**

**Elisabeth A. Shumaker**  
**Clerk of Court**

DEREK KITCHEN, et al.,

Plaintiffs - Appellees,

v.

GARY R. HERBERT, et al.,

Defendants - Appellants,

and

SHERRIE SWENSEN,

Defendant.

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THE CENTER FOR URBAN RENEWAL  
AND EDUCATION, et al.,

Amici Curiae.

No. 13-4178  
(D.C. No. 2:13-CV-00217-RJS)

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**ORDER**

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This matter is before the court to outline the protocol to be followed for the oral argument scheduled for Thursday, April 10, 2014 at the Byron White United States Courthouse. The proceedings will begin promptly at 10:00 am.

### *Courtroom Location and Seating*

The oral argument hearing will be held in Division I of the Byron White Courthouse. That courtroom will be open at 9:15 am. Seating for the public will be on a first-come, first-seated basis. Two rows of seating will be reserved for members of the press. However, only one representative from each media organization or entity will be allowed to sit in the reserved seating space.

On or before 4:00 pm on Friday April 4, 2014, those press representatives seeking to sit in the reserved area shall contact Courtroom Coordinator Janet Gregor at 303-335-2970 to confirm attendance. A list of confirmed media attendees for the reserved area will be available on the day of arguments and only those press representatives will be allowed to sit in the reserved area. Press credentials will be required. Media representatives who are not on the list will be seated on a first-come, first-seated basis.

### *Identification*

All members of the press, counsel and the public will be required to show proper government identification to enter the courthouse. In addition, all entrants to the courthouse will be required to undergo full security screening. No one will be allowed in the courthouse or courtrooms absent a display of appropriate and valid identification.

### *Prohibition on Broadcasting, Recording and Photography*

No audio recording, broadcasting, video recording or photography will be allowed anywhere in the courthouse during oral arguments. This prohibition includes blogging, tweeting, emailing or any other broadcast mechanism or wireless communication. Likewise, recording and any kind of photography is strictly prohibited.

### *Use of Laptops and Tablets in the Courtrooms*

All electronic devices will be subject to security screening. As long as the use of battery powered laptops or tablets is not disruptive to the proceedings, however, counsel and the media will be allowed to use such devices in the courtrooms. The use of any electronic device is subject to the prohibitions noted in the preceding paragraph. Any violation of the prohibition will be addressed immediately by court security personnel.

### *Cell Phones*

Upon completion of security screening, cell phones may be brought into the courtrooms. The prohibition against recording, photography and broadcasting applies equally, however, to cell phone usage. In addition, all phones must be placed in vibrate mode or turned off in the courthouse.

### *Overflow Audio and Video Feed Access*

There will be a second courtroom open to the public with an audio and fixed point video feed of the proceedings. Seating in that courtroom will be first-come, first-seated.

### *Media and Public Areas*

All media interviews must take place outside the courthouse. Public gatherings are allowed in the area of the public sidewalks. At no time may public access to the courthouse be impeded by news media.

### *Digital Recordings*

Audio recordings of the arguments will be made available on the court's public website within 24 hours of the hearing on April 10. Both attorneys and the public may

access them there. Counsel in the appeal need not follow the protocol set forth in 10th Circuit Rule 34.1(E)(1).

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a long horizontal flourish.

ELISABETH A. SHUMAKER, Clerk